

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF INDIANA
INDIANAPOLIS DIVISION

TYLER ALLEN CRAWFORD,)
)
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Plaintiff,)
)
)
v.) No. 1:20-cv-01215-SEB-DML
)
)
WILLIAMS,)
)
)
Defendant.)

ORDER DENYING MOTION TO FILE THIRD AMENDED COMPLAINT

On January 4, 2021, plaintiff Tyler Crawford filed a motion for leave to file a third amended complaint. For the reasons explained below, this motion is **DENIED**.

I.
LEGAL STANDARD

A plaintiff may amend the complaint "once as a matter of course within . . . 21 days after service of a responsive pleading or 21 days after service of a motion under Rule 12(b), (e), or (f), whichever is earlier." Fed. R. Civ. P. 15(a)(1)(B). "In all other cases, a party may amend its pleading only with the opposing party's written consent or the court's leave. The court should freely give leave when justice so requires." Fed. R. Civ. P. 15(a)(2).

A district court may deny a motion for leave to file an amended complaint if "there is undue delay, bad faith[,] or dilatory motive ... [, or] undue prejudice to the opposing party by virtue of allowance of the amendment, [or] futility of amendment." *Sound of Music Co. v. Minnesota Min. & Mfg. Co.*, 477 F.3d 910, 922 (7th Cir. 2007).

II.
BACKGROUND

On April 21, 2020, Mr. Crawford initiated this action by filing a complaint. Dkt. 1. On June 9, 2020, he filed an amended complaint. Dkt. 10. On July 30, 2020, the Court issued an Order

dismissing the amended complaint for failure to state a claim and granting Mr. Crawford the opportunity to file a second amended complaint. Dkt. 14.

On August 26, 2020, Mr. Crawford filed a second amended complaint. Dkt. 16. He alleges that the defendant refused to provide him with necessary mental health services on March 6, 2020. *Id.* On October 6, 2020, the Court issued an Order screening the second amended complaint and directing service of process to the defendant. Dkt. 19.

On December 10, 2010, the defendant answered the second amended complaint and raised failure to exhaust available administrative remedies as an affirmative defense. Dkt. 27. On December 14, 2020, the Court issued an Order directing the development of the exhaustion defense and staying all activities that are unrelated to the development of the exhaustion defense. Dkt. 28.

On January 4, 2021, Mr. Crawford filed a motion for leave to file a third amended complaint. Dkt. 35. Mr. Crawford seeks to amend the complaint for the sole purpose of clarifying that the alleged constitutional violation occurred on March 5, 2020. *Id.*

On January 25, 2021, the defendant filed a motion for summary judgment on the issue of exhaustion. Dkt. 36. The defendant argues that Mr. Crawford failed to exhaust his available administrative remedies regarding the failure of the defendant to provide mental health services on either March 5, 2020, or March 6, 2020. Dkt. 37, pp. 12-13.

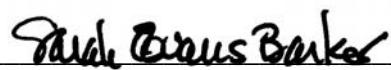
III. DISCUSSION

Mr. Crawford has already exercised his right to file an amended complaint as a matter of course. He has also been permitted to file a second amended complaint to avoid the dismissal of the action for failure to state a claim upon which relief may be granted. The issue is whether justice requires that the Court grant his request to file a third amended complaint.

All activities unrelated to the exhaustion defense have been stayed. The defendant's argument in support of her motion for summary judgment on this issue does not depend on whether Mr. Crawford was denied mental health services on March 5, 2020, or March 6, 2020. Allowing Mr. Crawford to file a third amended complaint at this time would unnecessarily delay the development of the exhaustion defense without affecting the outcome on this issue. Accordingly, the motion for leave to file a third amended complaint, dkt. [35], is **DENIED**.

IT IS SO ORDERED.

Date: 2/9/2021



SARAH EVANS BARKER, JUDGE
United States District Court
Southern District of Indiana

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